

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN BILL THOMAS**, on March 19, 2003 at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Thomas, Chairman (R)
Rep. Arlene Becker, Vice Chairman (D)
Rep. Mark Noennig, Vice Chairman (R)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Ray Hawk (R)
Rep. Daniel S. Hurwitz (R)
Rep. Larry Jent (D)
Rep. Penny Morgan (R)
Rep. Holly Raser (D)
Rep. Don Roberts (R)
Rep. Ron Stoker (R)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
CJ Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 314, SB 331, 3/17/2003
Executive Action: SB 331, Be Concurred In

HEARING ON SB 314

Sponsor: SEN. BEA McCARTHY, SD 29, Anaconda

Opening Statement by Sponsor:

SEN. McCARTHY explained SB 314 and distributed an amendment. She explained that this amendment is necessary, due to the Senate amendment that had been added on in Committee. The bill now reads that children are only available for CHIP up to age 17, and will lower the availability level from at or below 200% of the federal poverty level to 175%.

EXHIBIT (huh58a01)

Proponents' Testimony:

Mike Foster, Represents three Sisters of Charity hospitals in Montana: St. Vincent Health Care in Billings, St. James Health Care in Butte, and Holy Rosary Health Care in Miles City. He stated their concern for children's access to health care. He said that they prefer the bill in its original form, but will go with the language added by the Senate if necessary.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 5.5}

Bill Kennedy, Yellowstone County Commissioner, First Vice President, Montana Association of Counties (MACo), and Chairman of Health and Human Service Committee, emphasized the need for coverage for children throughout Montana. He added that they also like the bill without the amendment, but will cooperate to keep the amendment on if they have to. He supports the CHIP program and the National Association of Counties which will be funded by Congress.

Lani Candelora, Montana Catholic Conference, Roman Catholic Bishops of the State, stood in support of SB 314.

Ramond Berg, Montana Nurses' Association (MNA), said that MNA is in strong support of SB 314. He presented his written testimony.

EXHIBIT (huh58a02)

{Tape: 1; Side: A; Approx. Time Counter: 5.5 - 9.9}

Claudia Clifford, Insurance Commissioner's Office, stated their support for the bill. The only drawback she sees is that this bill prohibits funding the insurance with State dollars for

children between 150-175% of poverty and leaves that up to private funds. Those private funds might be hard to acquire.

Steve Yeakel, Montana Council for Maternal and Child Health, stated their support for SB 314. He discussed the CHIP program and their concerns with lowering the age inclusion from 18 to 17.

Jani McCall, Deaconess Billings Clinic and Montana Children's Initiative, stated their support for the bill, but their disappointment for the amendment. The current biennium funding for the general fund was reduced by \$220,000. The amendment amounts to a total of 327 kids who are 18 years of age being dropped.

{Tape: 1; Side: A; Approx. Time Counter: 9.8 - 15.1}

Pat Melby, Montana Medical Association, said they stand in support of the bill, but asked the Committee to consider restoring the age back to 18.

Tonya Ask, Blue Cross Blue Shield of Montana, stated that they support bill with the insured age including 18.

Mary McCue, Montana Dental Association, also supports the bill and supports restoring the age to 18.

John Flink, MHA, endorses the bill and restoration of the age to 18. They strongly support the CHIP program.

Opponents' Testimony:

Bonnie Adee, Mutual Health Ombudsman, stated that she was a proponent when the bill was first introduced, but now that the amendment drops the age down to 17, she is an opponent. She supports the coverage for 18-year-olds.

{Tape: 1; Side: A; Approx. Time Counter: 15.1 - 22.2}

Informational Testimony:

Mary Knowell, Bureau Chief, Health Care Resources Bureau, DPHHS, explained the amendment more fully. She explained that this amendment would give CHIP the flexibility to insure the lower income children first, if extra monies are received. Ms. Knowell distributed a chart showing the breakdown of CHIP members, by age and county. Exhibit 4 is a document explaining the CHIP program.

EXHIBIT (huh58a03)

EXHIBIT (huh58a04)

Questions from Committee Members and Responses:

REP. MORGAN asked the sponsor about the number on Page 1, Line 17. **SEN. McCARTHY** answered that it should read 150%.

REP. NOENNIG had a question regarding the fiscal note. **Mary Knowles** explained that the expense is not reduced nor increased by dropping 18-year-olds; it would go to cover a greater number of younger children.

REP. NOENNIG questioned the 175% rise on the fiscal note. **Mary Knowles** said that the total of general fund cost is what the fiscal impact would be for additional child on Medicaid. She continued explaining the cost to the State for CHIP coverage.

{Tape: 1; Side: A; Approx. Time Counter: 22.2 - 30.4}

REP. RASER asked what the rationale is for the Senate change from age 18 to age 17. **Mary Knowles** explained that **SEN. STAPLETON** feels that 18-year-olds are adults and should be accountable.

REP. HURWITZ asked if the majority of children in CHIP live at home. **Mary Knowles** responded that most of them live at home.

REP. HURWITZ inquired regarding the number of those children who have mental illness. **Mary Knowles** said that they do not ask questions like that. **REP. HURWITZ** also asked if a person who is 17-going-on-18 could have a part-time job. **Ms. Knowles** responded that she was unsure.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 5.9}

REP. WINDY BOY had a question regarding the total cost impact of the fiscal note. **SEN. McCARTHY** answered that she doesn't agree with the fiscal note.

REP. GALLUS asked Mary Knowles to explain the strict CHIP regulations in regard to mental health illness. **Ms. Knowles** explained that there are limited mental health benefits. There are 20 outpatient days paid for, and 20 inpatient days. Medication is paid for, but CHIP excludes other programs. CHIP is only for children that will use this as a health insurance.

REP. JENT asked about the number of insured. **Mary Knowles** responded that the number of children they can pick up is determined by the population of the state. A ball-park figure of insured is 9,500 kids statewide. The goal is to add an additional 9,500 kids, so CHIP would cover 19,000 kids total.

REP. JENT asked how many people are now covered by Medicaid. **Tonya Ask** replied that 80,000 are covered, and determined that is 10% of the population of kids age 0-18 in Montana.

REP. JENT asked if part of the \$120 premium for CHIP is paid by parents. **Tony Ask** replied that it is not.

{Tape: 1; Side: B; Approx. Time Counter: 5.9 - 14.9}

REP. JENT gave the example of how it works in Vermont and asked if that would be possible in Montana. **Mary Knowles** clarified that families do pay a co-pay for CHIP health care. They continued discussing that possibility.

Closing by Sponsor:

SEN. MCCARTHY closed on the bill and added that they might come up with an interim study for a program like Vermont's. She added that the bill will not go through the Senate if the age is changed.

{Tape: 1; Side: B; Approx. Time Counter: 14.9 - 18.2}

HEARING ON SB 331

Sponsor: **SEN. CAROLYN SQUIRES, SD 34, Missoula**

Opening Statement by Sponsor:

SEN. SQUIRES said that this act generally revises the laws applying to the practice of nursing. The bill will address two issues: 1) removing compensation language; and 2) violations and penalties.

{Tape: 1; Side: B; Approx. Time Counter: 18.9 - 25.7}

Proponents' Testimony:

Kevin Brown, Department of Labor and Industry, said that this bill strikes the poor compensation language and clarifies the penalties regarding misdemeanor offenses. He supports the bill.

Cynthia Gustafson, Director, Carroll College Parish Nurse Center, supports SB 331 and addressed the poor compensation issue covered in the bill.

{Tape: 1; Side: B; Approx. Time Counter: 25.7 - 30}

Raymond Berg, Montana Nurses' Association (MNA), stated that they support the bill in its current form.

Margaret Morgan, MANA, Anesthesiologist, supports the bill.

Colleen Senterfitt, MNA, New West Health Services, supports SB 331.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. NOENNIG had a question regarding the changes in penalties. **Kevin Brown** said that having a lapsed license is a non-professional issue so the Board can deal with that. **Barbara Swehla, Board of Nursing**, stated that the section that **REP. NOENNIG** is referring to is not related to this bill. The whole point is that the Board does not want a lapsed license to be a crime. The Board is trying to target the "imposters" who have never been licensed. She explained about the inactive status on a license and what it would take to renew that license.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 9.9}

REP. ROBERTS asked about continuing education for license renewal. **Barbara Swehla** said it is not required for licensure.

REP. MORGAN gave an example of her friend who is a RN and kept her license active, without working in the field. **Barbara Swehla** responded.

{Tape: 2; Side: A; Approx. Time Counter: 8.9 - 13.4}

Amendment to SB 331

Susan Good, representing anesthesiologists, said that the amendment (Exhibit 5) is actually HB 590. She said that HB 590 should have been addressed in this committee instead of in the State Administration Committee in the first place. It was never heard there, so Ms. Good brought it as an amendment to SB 331. She went over the fact sheet on HB 590 as well.

EXHIBIT (huh58a05)

EXHIBIT (huh58a06)

{Tape: 2; Side: A; Approx. Time Counter: 13.4 - 30.4}

Proponents to Amendment:

Pat Melby, Montana Medical Association, stated that MMA took a poll and they support the amendment.

Dr. Paula Roos, Montana Society of Anesthesiologists (MSA), presented her points in support of the amendment.

Dr. Michael Sturgis, President, MSA, supports the technical aspects of the amendment regarding anesthetics and other medical issues.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 7.9}

Opponents to Amendment:

Ron Freund, Montana Association of Nurse Anesthesiologists (MANA), CRNA, said that this amendment is not about safety, but control. He presented a binder filled with literature and letters supporting MANA's position. They support SB 331, but not the amendment.

EXHIBIT (huh58a07)

{Tape: 2; Side: B; Approx. Time Counter: 7 - 23.2}

Lori Oaks, Nurse Anesthetist, added her support for SB 331 without the amendment.

Bob Olson, MHA, distributed MHA's statement pertaining to their opposition to the anesthesia amendment to SB 331.

EXHIBIT (huh58a08)

Shane Roberts, St. Luke Community Hospital, added medical insight regarding rural areas and his opposition to the amendment.

{Tape: 2; Side: B; Approx. Time Counter: 23.2 - 30}

Colleen Centerfet, RN midwife, stated her support for SB 331, but not the amendment.

Randall Hallom, CEO, Francis Mann Deacon's Hospital, Glasgow, said that they do employ CRNAs to provide anesthesia. He provided a letter from Anne Williams, Chief of Surgery, in opposition to the amendment.

EXHIBIT (huh58a09)

Dr. Neal Rogers, Eye, Ear, Nose, and Throat Doctor, Butte, MNA, explained how a rural medical facility works. They oppose

Michael Rosatti, CRNA, MANA, St. Joseph Hospital, Polson, stated that this bill will affect medical care given in their town. This amendment takes away authority; courts have never upheld a supervisory role. He distributed letters in opposition to the amendment.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 4.9}

Mike Mondeloch, CRNA, Butte, distributed letters from CEOs and surgeons in opposition to the amendment.

EXHIBIT (huh58a10)

SEN. DEBBIE SHEA, SD 18, opposes the amendment. She gave the example of her gall bladder surgery and her experience. She said that this amendment will cripple small communities.

Sami Butler, RN, representing MNA, said that they oppose the amendment; read her written testimony.

EXHIBIT (huh58a11)

Jani McCall, Deacon's Billings Clinic, opposes the amendment.

Carla Gibson, APRN, MNA, opposes the amendment and shared the history of anesthesia use.

Raymond Berg, Montana Nurses' Association (MNA), read a letter to the Committee from Steven D. Rice, Pastor of the Lutheran Church in Miles City.

Mike Bartch, MANA, opposes the amendment.

Margaret Morgan, MANA, also opposes this amendment.

{Tape: 3; Side: A; Approx. Time Counter: 4.9 - 12.5}

Committee Questions on the Amendment:

REP. GALLUS stated that he spoke with Greg Petesh. Mr. Petesh said that technically this bill is legal, but REP. GALLUS disagrees. He said that the amendment changes the purpose of the bill.

REP. NOENNIG asked Pat Melby regarding this being a liability issue. **Mr. Melby** stated that the surgeon is named in a malpractice law suit because he is the "captain of the ship."

REP. NOENNIG asked about rural areas and the procedures being done by a CRNA without supervision. **Susan Good** replied that this bill only applies to a surgical procedure.

{Tape: 3; Side: A; Approx. Time Counter: 12.5 - 19.6}

REP. WINDY BOY had a question regarding the option to "opt out" of federal supervision. **Margaret Morgan** expounded on that issue. She said that the opt out allows each hospital to set their own rules for their situation.

REP. NOENNIG asked Margaret Morgan regarding the surgical procedures and supervision by a physician. **Ms. Morgan** deferred the question to Bob Olsen. **Bob Olsen** said that if the language is put in, the supervision will be done by the Board of Nursing instead of the hospitals. Mr. Olsen stated that they would have to be open to the Board for interpretation regarding supervision.

{Tape: 3; Side: A; Approx. Time Counter: 19.6 - 27.8}

REP. WINDY BOY asked how this would impact rural America. **Mike Bartch** gave an example of how this works in his area.

Closing by Sponsor:

SEN. SQUIRES closed on SB 331 stating that she will ask **REP. EVE FRANKLIN** to kill the bill if the amendment is left attached.

CHAIRMAN THOMAS commented on the amendment, and said that he will carry the amendment. He closed the hearing on SB 331.

{Tape: 3; Side: A; Approx. Time Counter: 26.9 - 30}

EXECUTIVE ACTION ON SB 331

Motion: **REP. FACEY** moved that SB 331 BE CONCURRED IN.

Discussion:

REP. NOENNIG stated that he is still uncomfortable with the issue of expired licenses on the bill.

Motion: **REP. THOMAS** moved that SB 331 BE AMENDED (Exhibit 5).

Discussion:

REP. HURWITZ stated that he opposes the amendment because of the opposition voiced by his constituents.

REP. WINDY BOY said that he opposes the amendment due to the rural issue.

REP. MORGAN stated her opposition to the amendment.

Vote: Motion to amend failed unanimously by voice vote.

Vote: Motion to concur carried unanimously by voice vote.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 7.4}

ADJOURNMENT

Adjournment: 6:00 P.M.

REP. BILL THOMAS, Chairman

CJ JOHNSON, Secretary

BT/CJ

EXHIBIT (huh58aad)